

### **Amendments to the Drawings**

The attached drawing sheet (one (1) total) includes a formal drawing for Fig. 5. The sheet, which includes Fig. 5, replaces the original sheet that included Fig. 5.

### **REMARKS**

Claims 1-9 and 21-26 are currently pending. Claims 1 and 6-7 have been amended, claims 10-20 have been cancelled, and claims 21-26 have been added.

The Examiner has identified in the application the following patentably distinct inventions:

- I. Claims 1-9, drawn to a door handle assembly, classified in class 292, subclass 336.3;
- II. Claims 10-17, drawn to a door, classified in class 292, subclass 348; and
- III. Claim 18-20, drawn to a method of mounting a door handle assembly to a door, classified in class 292, subclass 352.

The Examiner has required election of one of the inventions for prosecution.

Applicant hereby affirms the provisional election made February 24, 2005 and elects to prosecute the claims of Group I (claims 1-9 and new claims 21-26). Applicant has canceled the claims of Group II (claims 10-17) and Group III (claims 18-20). Applicant reserves the right to file divisional applications directed to the non-elected claims at a later date.

The Examiner objected to the drawings for allegedly failing to include all of the claimed features. Applicant has amended Fig. 5 to illustrate the first and second positions of the slider, which is part of the attachment member. In addition, Applicant has added dimension lines illustrating the difference in distance between the two positions and a fixed reference, such as the latch bolt axis. Applicant has also amended the specification to describe the added illustrations of Fig. 5.

The Examiner objected to the specification for an informality. The specification has been amended to correct the informality as requested by the Examiner.

The Examiner also objected to the form of claim 6 and suggested that it be amended. However, the amendment suggested by the Examiner would appear to change the meaning of the claim. Specifically, by making the change suggested by the Examiner, one could construe the claim as requiring the base to be part of the attachment member. In reality, the base is an additional part that is more properly considered to be part of the handle. As such, Applicant has amended claim 6 to recite “wherein the handle includes a base that defines a slot.”

The Examiner indicated that claim 7 would be allowable if rewritten to overcome the 35 U.S.C. §112 rejections and to include the base claim and any intervening claims. Applicant has rewritten claim 7 to include the limitations of claim 1 and claim 6 including the amendments made to overcome the 35 U.S.C. §112 rejections. As such, claim 7 is allowable. In addition, claims 8 and 9 which depend from claim 7 are also allowable.

The Examiner rejected claims 1-9 under 35 U.S.C. §112, second paragraph, as being indefinite.

The Examiner states that it is “unclear to which handle the applicant is referring to because, as seen in Fig. 2, the applicant shows two handles.” *Office action dated March 3, 2005, page 5*. As stated in the specification, the figures presented illustrate one or a few possible constructions of the invention and should not be interpreted as limiting the invention. The fact that more than one handle is illustrated in the figures should not render the claims indefinite. Claim 1 recites a handle and that handle could be handle 50, handle 55, or any other handle if the remaining limitations of the claim are present. While not limited to the first handle 50, claim 1 would read on a mechanism similar to the one illustrated as the first handle 55. However, to further clarify this portion of the claim, Applicant has amended claim 1 to overcome the Examiner's rejection. Specifically, claim 1 has been amended to recite a

door handle assembly that is attachable to a door that defines an attachment surface. The door handle assembly includes a handle coupled to the door, an actuator coupled to the door, and a latch bolt coupled to the actuator and movable along a latch bolt axis between an extended position and a retracted position. An attachment member defines an attachment axis that is substantially parallel to the attachment surface. The attachment member is movable along the attachment axis relative to the handle between a first position and a second position to at least partially couple the handle to the door.

The Examiner also states that claim 5, which recites that the handle includes a slot and the attachment member includes a shoulder portion engageable with the slot is unclear since the handle does not have a slot. The Examiner states “the attachment member includes a base (130) and a slider (135). The base includes a slot (170) and the slider includes a shoulder (195) that is received in the slot.” *Office action dated March 3, 2005, page 6*. This is a misinterpretation of what constitutes the attachment member. As stated in the specification, “[t]he mounting assembly 45, best illustrated in Figs. 4 and 5, attaches to the pull member 120 and includes a cover 125, a base 130, an attachment member in the form of a slider 135, a screw 140, and a bolt 145.” *See specification, page 5, lines 18-20*. Based on this description, it should be clear that the base 130 is not part of the attachment member. Thus, the base 130 attaches to the pull member 120 and defines a slot that receives the slider 140. The base fixedly attaches to the pull member to more fully define a handle and can be considered to be part of the handle as recited in claim 1. As such, the handle (including the base 130 attached to the pull member 120) does include a slot that receives a shoulder portion of the attachment member (the slider 135).

In light of the foregoing, Applicant respectfully requests the withdrawal of the 35 U.S.C. §112 rejections.

The Examiner rejected claims 1-5 under 35 U.S.C. §102(b) as being anticipated by Loffler (U.S. Patent No. 5,084,940).

Amended claim 1 defines a door handle assembly that is attachable to a door that defines an attachment surface. The door handle assembly includes a handle coupled to the door, an actuator coupled to the door, and a latch bolt coupled to the actuator and movable along a latch bolt axis between an extended position and a retracted position. An attachment member defines an attachment axis that is substantially parallel to the attachment surface. The attachment member is movable along the attachment axis relative to the handle between a first position and a second position to at least partially couple the handle to the door.

Loffler does not teach or suggest, among other things, an attachment member that defines an attachment axis that is substantially parallel to the attachment surface and that is movable along the attachment axis relative to the handle between a first position and a second position to at least partially couple the handle to the door. Rather, Loffler teaches a handleset that includes a handle 24 that connects to an upper rose 26 and a lower rose 28. At the junction of the handle 24 and the upper rose 26, the handle includes a spherical surface 36 that fits within a spherical recess 62 to permit the handle 24 to swivel relative to the upper rose 26. The lower rose 28 fixedly attaches to the handle 24 and “the handle and the lower rose could be formed as a single element without departing from the spirit and scope of the invention.” *Col. 3, lines 37-39*. Thus, the only component or portion of a component that is movable along an axis that is substantially parallel to the attachment surface is the lower rose 28.

However, the lower rose 28 is fixedly attached to the handle and as such is not movable *relative* to the handle between a first position and a second position.

In light of the foregoing, Loffler does not teach or suggest each and every limitation of claim 1. As such, claim 1 is allowable. In addition, claims 2-6, which depend from claim 1, are allowable for these and other reasons.

The Examiner rejected claims 1-4 and 6 under 35 U.S.C. §102(b) as being anticipated by Recuperero (U.S. Patent No. 4,006,927).

Recuperero does not teach or suggest, among other things, an attachment member that defines an attachment axis that is substantially parallel to the attachment surface and that is movable along the attachment axis relative to the handle between a first position and a second position to at least partially couple the handle to the door, as recited in claim 1. Rather, Recuperero discloses an attachment for a door latch housing that includes a hand grip 6 and a latch button. A bracket 7 pivotally supports a hand lever 9 that, when pivoted depresses the latch actuator 4. While the bracket does define an attachment axis that is parallel to the attachment surface, no portion of the mechanism moves along that axis. Rather, the lever 9 pivots about the axis.

In light of the foregoing, Recuperero does not teach or suggest each and every limitation of claim 1. As such, claim 1 is allowable. In addition, claims 2-6, which depend from claim 1, are allowable for these and other reasons.

New claims 21-26 recite limitations similar to those discussed with regard to claim 1. As such, Loffler and Recuperero, alone or in combination, do not teach or suggest each and every limitation of claims 21-26. As such, claims 21-26 are also allowable.

### CONCLUSION

In light of the foregoing, Applicant respectfully submits that claims 1-9 and 21-26 are allowable.

The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TL J. Otterlee', with a stylized flourish at the end.

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